OFFICE OF THE SHERIFF
PENDER COUNTY

Alan W. Cutler, Sheriff

Directive 3.34 – Automated License Plate Readers

Purpose:

The purpose of this directive is to set forth guidelines to govern the use of automated license plate readers (ALPRs) by employees of the Pender County Sheriff's Office.

Policy:

It is the policy of the Pender County Sheriff's Office to provide direction to field personnel for the use of ALPRs. A fundamental element of policing is locating stolen vehicles or vehicles involved in other criminal acts such as child abduction and drive-by shootings. Automated license plate recognition systems play an increasingly important role in public safety by assisting with the location of wanted vehicles and subjects while enhancing productivity, effectiveness, and officer safety. ALPR systems recognize, read, and compare motor vehicle license plates against various police databases much more efficiently than deputies manually scanning and making comparisons while on patrol. The Pender County Sheriff's Office leases access to automated license plate readers (Falcon system) and security cameras through Flock Group Inc., (Flock). Flock and their customers are responsible for the security, storage and retention of data collected by these systems.

Definitions:

A. Alert: Also known as a "Hit" - A positive indication, by visual and/or audible signal, of a potential match between data on the "Hot List" and a license plate scanned by the ALPR system. An alert or "Hit" is NOT conclusive confirmation that a license plate is wanted, and additional investigation is always warranted when an alert is indicated.

B. ALPR Coordinator – Designee of the Sheriff who will conduct annual or more frequent auditing and reporting of ALPR use and effectiveness to the Sheriff [N.C.G.S. § 20-183.31(a)(7)].

C. Automated License Plate Reader (ALPR) (Falcon System) - A device that uses cameras and computer technology to compare digital images of license plates to lists of known plates of interest. ALPR's may be deployed in different configurations including fixed (permanent or semi-permanent installation at specific location) and mobile (attached to a vehicle or trailer).

Both configurations operate in the same manner.

D. Fixed Location ALPR - Fixed ALPR locations use cameras that are engineered to focus on the rear license plate of vehicles passing by the camera location. The camera images are sent by cellular data signal to an off-site server where the images are compared with license plates from NCIC and local hot lists. License plates that match an NCIC entry or hot list trigger an alert to the user who is logged in to monitor the ALPR system. Although all plates are imaged, only the NCIC entered or hot list plates trigger an alert. The images of the license plates of vehicles passing by the camera are retained for no longer than 30-days.

E. Hot List - License plates associated with vehicles of interest from an associated database, including, but not limited to, NCIC, DMV, Local BOLOs, etc.

F. Mobile ALPR - Mobile ALPR systems work in the same manner as a fixed ALPR. The cameras may be mounted on a vehicle or on a mobile trailer and can be placed in locations of investigative interest. The camera images are captured and cross-referenced in the same manner.

G. Scan File - Data obtained by an ALPR of license plates within public view that were read by the device, including potential images of the plate and vehicle on which it was displayed, and information regarding the location of the fixed or mobile camera position at the time of the ALPR read. Information stored includes a photo of the registration plate showing the rear of the vehicle, a date and time stamp of when the registration plate was read by the ALPR and a GPS coordinate to identify the location the registration plate was read by the ALPR.

Use of Automated License Plate Readers:

A. Sheriff's Office personnel have access to leased and privately owned ALPR camera systems through Flock. These systems allow personnel to receive hotlist alerts if any of the cameras in the agency's jurisdiction captures images of a vehicle displaying a tag that is linked to any of the following NCIC categories:

1. Supervised Prisoner Release,
2. DVPO,
3. Protective Interest,
4. Violent Person,
5. Missing Person,
6. Immigration Violator,

7. Suspected Terrorist,

8. Warrants,

9. Stolen Tag,

10. Stolen Vehicle, and

11. Sex Offender.

B. ALPR systems utilizing the NCIC's Hot List will download the file at least once within a 24-hour period [N.C.G.S. § 20-183.32(d)].

C. Receiving alerts may or may not require immediate action. Deputies receiving an alert will verify the plate number and state of origin to ensure that the alert is accurate. They will run the plate in DCI or other appropriate official database to confirm that the plate is still active in the database for the alert given. A deputy will then establish reasonable suspicion or probable cause before conducting stops, making detentions, or initiating arrests. Enforcement actions should not be taken solely on the ALPR alert.

D. Deputies may also access data when investigating any specific crime where the data may be able to provide suspect information. Data can be searched and filtered based on vehicle type, camera location and date/time. All searches of data will require a search reason for auditing purposes.

E. Deputies will use the full incident number related to the case they are searching for as the search reason. If the search is based on a Call for Service (CFS), the complete CFS number will be used as the search reason.

F. All users shall receive instruction in the access and proper use of the system before receiving login credentials for the ALPR system.

G. All successful uses of the ALPR system shall be documented and forwarded to a designated Crime Analyst for tracking purposes.

Data Security and Access

A. Access to the Falcon system is achieved through individualized login to the Flock's web-based server. Once logged in, deputies will be able to receive hotlist alerts within the system and can view and search data.

B. Flock is Criminal Justice Information Services (CJIS) compliant, and all information is encrypted at rest in the cloud using Amazon Web Services (AWS) Key Management Service (KMS) keys, which use Federal Information Processing Standard (FIPS) 140-2 validated hardware security modules to generate and store the keys. All logins and queries will be stored and monitored including:

1. Username,
2. Date,
3. Time,
4. Purpose of query, and
5. License plate and other elements used to query the system.

These data points will be stored in the Flock system, and periodic audits will be conducted according to the policies of each Flock customer to ensure access was made by authorized persons for legitimate purposes.

C. ALPR data is considered a record of a criminal investigation and is confidential and not public record [N.C.G.S. § 132-1.4]. Data shall not be disclosed outside of the Pender County Sheriff's Office except for safety purposes pursuant to a written or electronic request from another requesting law enforcement agency.

1. For agencies that are not part of the Flock network, the request must indicate the agency's incident number and why the agency is requesting the ALPR data, i.e., missing person, wanted subject, stolen vehicle, etc. [N.C.G.S. § 20-183.32(e)]. A Sheriff's Office Watch Commander is authorized to release the requested information after reviewing and approving the request. The search for this information will use the requesting agency's name in abbreviated form and their incident number as the search reason. The written or electronic request, along with the approval or denial, will then be forwarded to the ALPR Coordinator for filing.

2. Agencies within the Flock network, that have previously made an electronic request for camera sharing access and were approved by the ALPR Coordinator, will be able to search by entering a search reason within the Flock system. This will create a log containing the following information:

   a. The person completing the search,

   b. Their agency,

c. The date and time of the search,

d. The tag and/or vehicle description searched,

e. The timeframe they were looking for the vehicle, and

f. The reason for the search.

D. All requests or invitations to access data from private ALPR systems (i.e., HOA's, community watch groups or private businesses) shall be forwarded to the ALPR Coordinator for approval.

Storage and Retention

A. Flock Group, Inc., the ALPR vendor, will store the data (data hosting) and ensure proper maintenance and security of data stored in their cloud-based system. Flock will also oversee purging data at the end of the 30-day storage period. The Sheriff's Office is responsible for extracting, downloading, and archiving footage from Flock on its own storage devices for auditing, prosecutorial and administrative purposes.

B. Any ALPR data requiring preservation past 90 days will require a preservation request or search warrant as prescribed under N.C.G.S. § 20-183.32.

C. In accordance with N.C.G.S. § 20-183.31(b), data gathered or collected, and records retained by the Flock Safety system on behalf of Flock Safety Customers, shall be obtained, accessed, preserved, or disclosed **only** for properly authorized law enforcement purposes. Accordingly, such data or records shall **not** be utilized by personnel of the Pender County Sheriff's Office for any other purpose, including, but not limited to, the following other purposes:

1. Sold, published, exchanged, or disclosed for commercial purposes;
2. Disclosed or published without authorization; or
3. Disseminated to persons not authorized to access or use the information.